

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE AGAVE PROJECT LLC, d/b/a )  
THORNTAIL, and JOEL VANDENBRINK, ) No. 23-1984  
INDIVIDUAL, )  
Plaintiff, )  
v. ) DECLARATION OF JOEL  
HOST MASTER / 1337 SERVICES LLC, a ) VANDENBRINK IN SUPPORT OF  
ST. KITTS and NEVIS COMPANY, and a ) PLAINTIFFS' MOTION FOR  
DOE, ) **TEMPORARY RESTRAINING**  
Defendants. ) **ORDER AND ORDER**  
 ) AUTHORIZING ALTERNATE  
 ) SERVICE AND EXPEDITED  
 ) DISCOVERY AND REQUIRING  
 ) DEFENDANTS TO SHOW CAUSE RE  
 ) PRELIMINARY INJUNCTION


I, Joel VandenBrink, hereby states and declare as follows:

1. I am the founder and CEO of The Agave Project LLC, d/b/a Thorntail. I make the following statements based on personal knowledge. If called to testify about these matters, I am competent and willing to do so.

2. In my role as CEO of The Agave Project LLC, as early as March of 2023 I entered into negotiations with a potential strategic partner interested in working with the Agave Project LLC in exchange for a 35% stake in the company. On December 13, 2023, the CEO of the potential strategic partner called me and stated that, unless the Infringing Website (thorntailhardagave.com) is taken down, they no longer want to partner with The Agave Project, explaining that the content of the Infringing Website would be a threat to

**DECLARATION OF JOEL VANDENBRINK - 1**

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1 their reputation if they were associated with the Thorntail Hard Agave brand.

2 3. The websites thorntailhardagave.com, kompletedesignbuild.com, and  
3 anonimcard.com include images and captions stating or implying that Thorntail Hard Agave  
4 is urine and “shit,” that funding for Thorntail will be used to purchase drugs, and that I am  
5 an alcoholic and a cocaine addict who conducts other illegal activity. All of these statements  
6 about Thorntail Hard Agave and myself are false.

7 4. In addition to the interference with a strategic partnership, the contents of  
8 these websites are interfering with Thorntail Hard Agave’s ability to secure purchase orders,  
9 as well as putting stress on my personal and professional life. I am specifically concerned  
10 that large retail chains may pull Thorntail Hard Agave products from their shelves, or refuse  
11 to stock it, due to the defamatory content of the Infringing Website.

12 5. Attached as **Exhibit 1** are screenshots taken from the  
13 thorntailhardagave.com website.

14 I swear under penalty of perjury under the laws of the United States that the  
15 statements in this declaration are true and correct to the best of my recollection.


16 EXECUTED at Seattle, Washington, on this 26<sup>th</sup> day of December, 2023.

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18  
19 /s/ Joel VandenBrink  
Joel VandenBrink

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**DECLARATION OF JOEL VANDENBRINK - 2**

129645.0002/8075328.1

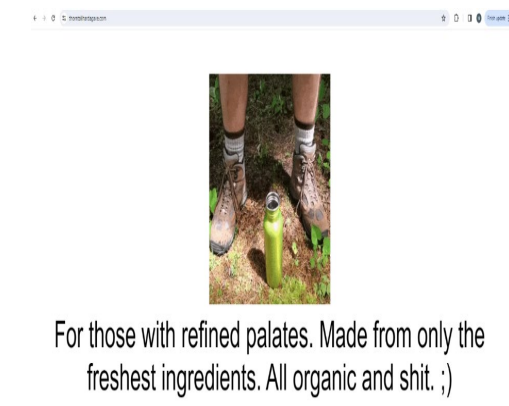
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# EXHIBIT 1

### Screenshot 1 – Disparaging Statements

#### Regarding Thorntail Products



### Screenshot 2 – Disparaging Statements

#### Regarding Cocaine Addiction



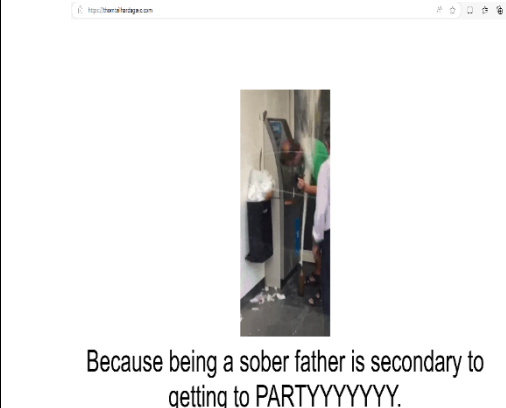
### Screenshot 3 – Disparaging Statements

#### Regarding Reliability of Plaintiffs



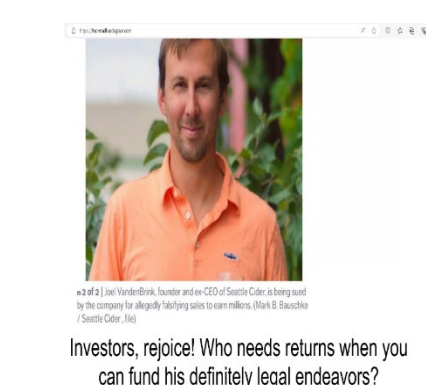
### Screenshot 4 – Disparaging Statements

#### Regarding Alcoholism



### Screenshot 5 - Disparaging Statements

#### Regarding Settled Lawsuit



### Screenshot 6 -- Website Source Code

